

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 26, 2009

DIVISION ONE

B208578 Wagner (Not for Publication)
v.
Cramer

We affirm the judgment. Diana is entitled to her costs on appeal.

Miller, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B208794 People v. Payan
B209798 People v. Toles
B210061 People v. Sanchez and Patino
B204867 People v. Gwin
B207186 People v. Age

Argument waived, cause submitted.

DIVISION TWO (continued)

B205740 People
 v.
 Moorer

Merits:
Argued by Tracy Dressner for appellant and by Marc Kohma, Deputy Attorney General for respondent. Cause submitted.

B209408 Gergov
 v.
 California Department of Motor Vehicles

Merits:
Argued by Sanaz Razi for appellant and by Elizabeth Hong, Deputy Attorney General for respondent. Cause submitted.

B209472 Girardi
 v.
 Chang

Merits:
Argued by Sherman Andre for appellant and by Christopher Kondon for respondent. Cause submitted.

B210803 Lockhart
 v.
 MVM Inc.

Merits:
Argued by Lee Franck for appellant and by Melanie Ross for respondent. Cause submitted.

June 26, 2009 (Continued)

DIVISION TWO (continued)

B205916 Ishaia Trading Corp. et al.
v.
Anter et al.

Merits:

Argued by Andre J. Cronhall for appellants and by Gregory Aldisert for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B204013 Garcia (Not for Publication)
v.
County of Los Angeles

Costs on appeal to respondent.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B215396 Kaiser Foundation Health Plan, Inc., et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Ramsey et al., r.p.i.)

Let a peremptory writ of mandate issue, directing the superior court to vacate the March 5, 2009 order and to enter a new order denying the February 2009 motion. Kaiser shall recover its costs.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (continued)

B206787 1939 Argyle, LLC, et al. (Not for Publication)
v.
First American Title Insurance Company

The order granting a new trial is reversed, and the judgment for buyers is reinstated. Buyers shall recover their costs on appeal.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B201072 People (Certified for Partial Publication)
v.
Ulloa

The judgment of conviction is affirmed. The sentence imposed for count 3 is stayed. The trial court is directed to clarify the count to which section 667.61 applies. The true finding on the prior serious felony conviction allegation is reversed and the sentence is vacated. The case is remanded for a retrial on the prior conviction allegation if the People so elect, or for a new sentencing hearing if the People do not timely go forward on the prior conviction allegation. After resentencing, the trial court is directed to prepare a modified abstract of judgment consistent with this opinion and forward it to the Department of Corrections and Rehabilitation.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FOUR (continued)

B208258 People (Not for Publication)
v.
Weathers

The true findings on the section 186.22, subdivision (b)(1) enhancement are reversed. The case is remanded to the trial court. The trial court is directed to strike the section 186.22, subdivision (b)(1) gang enhancement, modify the sentence accordingly, and deliver a certified copy of an amended minute order and abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

B208718 People (Not for Publication)
v.
Orozco, et al.,

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION SEVEN

B210494	Los Angeles County, D.C.F.S. v. Marlene B.,
B213252	Los Angeles County, D.C.F.S. v. Randy B.,

Filed order consolidating above captioned appeals.

June 26, 2009 (Continued)

DIVISION EIGHT

B201064 Keller (Not for Publication)

V.

California Highway Patrol et al.

Judgment for respondents California Highway Patrol and Commissioner Michael Brown is affirmed. Respondents are to recover their costs on appeal.

Rubin, Acting P.J.

We concur: Bigelow, J.
Bauer, J. (Assigned)

B211571 People (Not for Publication)

V.

R.D.

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bendix, J. (Assigned)

B211184 People (Not for Publication)

V.

Herrera

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
Bendix, J. (Assigned)

June 26, 2009 (Continued)

DIVISION EIGHT (continued)

B202504 People (Not for Publication)
v.
McMurray

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
Bauer, J. (Assigned)